

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: L. Rahme et al. Confirmation No.: 1332
Serial No.: 10/586,403 Art Unit: 1645
Filed: May 24, 2007 Examiner: ZEMAN, ROBERT
A.
Customer No.: 21559
Title: METHODS FOR IDENTIFYING CANDIDATE COMPOUNDS FOR
TREATING, REDUCING, OR PREVENTING PATHOGENIC
INFECTIONS

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO RESTRICTION REQUIREMENT

In reply to the Restriction Requirement that was mailed in connection with the
above-captioned case on June 18, 2009, Applicants elect the invention of Group I, claims
1-10.

The Restriction Requirement states that if Group I is selected, an additional
election requirement is applicable. Specifically, the Restriction Requirement states that
Applicants "must further elect a molecule that is measured (i.e. HAQ, HHQ or a
derivative or precursor thereof)" from within Group I. In response to this further election
requirement, Applicants elect anthranilic acid as the molecule. At least claims 1, 3, 4, 5,
6, 7, and 8 encompass the elected invention. Applicants traverse the further election

requirement (which the Office characterizes as a "further restriction" and not merely a species election) applicable to Group I for the reasons stated below.

Applicants submit that this further election within Group I is not required as there would be little additional burden on the Examiner to search the entire class of molecules encompassed by Group I. HAQ (4-hydroxy-2-alkylquinolone) is a genus of compounds with varying alkyl groups that encompasses HHQ (4-hydroxy-2-heptylquinolone), see e.g., Figure 2, and page 21, lines 10-33, of the specification. Only a few currently identified organisms produce HAQ. As explained in the specification, "[f]luorescent pseudomonads...are the only microorganisms identified to produce HAQs" (p. 22, lines 30-32). Consequently, it would not be an undue burden on the Examiner to search and examine the genus of HAQs and their derivatives and precursors. A search for prior art concerning one member of the class would likely reveal art relevant to the other members of this class. The Office has not demonstrated that a different field of search would be required for the methods encompassed by Group I, claims 1-10, depending on the molecule to be measured.

Accordingly, Applicants request that the Office withdraw the further election requirement and proceed to examine the full scope of Group I, claims 1-10.

Submitted herewith is a petition for extending the period of reply for four months, to and including November 18, 2009.

If there are any other charges or any credits, please apply them to Deposit Account
No. 03-2095.

Respectfully submitted,

Date: Nov. 18, 2009



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